

REMARKS

The Office Action dated March 13, 2006 has been carefully reviewed. Claims 1-12 are pending in the present application. By this amendment, claims 1, 4, and 5 have been amended and new claim 32 has been added. Support for the amendments can be found within FIG. 3 and at page 11, line 30 - page 12, line 12 of the present application. Support for new claim 32 can be found at page 31, lines 1-19 and within FIG. 23 of the present application. Claims 2 and 3 have been canceled.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

A. Reconsideration of the rejection of claims 1-5 and 12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,069,969 to McClintock et al. (hereinafter "McClintock") is respectfully requested.

Independent claim 1 has been amended to include the limitations of dependent claims 2 and 3 (now canceled) to recite, among other things, that the closure means includes "a flap coupled to a portion of the outer cover and an adhesive coupled to an underside of the flap." Further, claim 1 now recites that the claimed adhesive, which is coupled to the underside of the flap, includes a non-removable weak adhesive portion and a strong adhesive portion. In particular, independent claim 1 has been amended to specify that the non-removable weak adhesive portion "is coupled directly to the underside of the flap" and that the strong adhesive portion is "adjacent the weak adhesive portion and coupled directly to the underside of the flap."

McClintock does not disclose or suggest such a structure as that recited in newly amended independent claim 1. For example, McClintock discloses "[a] sandwich type composite adhesive" within the Abstract of McClintock and further refers to FIG. 1 as showing

“an adhesive sandwich like construction 20 according to this invention [which] comprises a center release liner 22, a silicone release coating 24 on only one side of said center release liner, a permanent adhesive layer 26 contacting the silicone release coating 24. On the other side of the center release liner 22, a removable pressure sensitive adhesive layer 25 is applied directly to the center release line 22” See col. 3, lines 54-61.

First of all, due to this sandwich-like construction of the adhesive layers 25, 26 of McClintock, McClintock does not disclose or suggest both “a weak adhesive portion coupled directly to the underside of the flap” and “a strong adhesive portion adjacent the weak adhesive portion and coupled directly to the underside of the flap” as recited in newly amended independent claim 1. In other words, McClintock only discloses a stacked or sandwich-like arrangement of the adhesive layers 25, 26 and does not disclose any side-by-side arrangement of the weak and strong adhesive layers.

Further, the pressure sensitive adhesive layer 25 of McClintock is a *removable* adhesive layer. In fact, the adhesive layer 25 must be removed in order for the permanent adhesive layer 26 to be adhered to an outer surface of the jacket part 80. See col. 7, lines 27-36 as well as FIGS. 7 and 8. As noted above, newly amended independent claim 1 of the present application has been amended to recite that the weak adhesive portion is *non-removable*.

Anticipation exists only if all the elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference. *Hazeltine Corp. v. RCA Corp.*, 468 U.S. 1228 (1984). Claim 1 has been amended to recite both weak and strong adhesive portions which are adjacent each other and which are each directly coupled to the underside of the claimed flap. Further, claim 1 has been amended to specify that the claimed weak adhesive portion is non-removable. McClintock only discloses removable and permanent adhesive layers 25, 26 which are arranged in a stacked or sandwich-like formation. Accordingly, newly amended claim 1 is not anticipated by McClintock because McClintock fails to disclose

such required elements of claim 1. As such, reconsideration of the rejection of claim 1 as well as claims 4, 5, and 12, depending directly from claim 1, is respectfully requested.

B. Reconsideration of the rejection of claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,141,793 to Fontanilla (hereinafter “Fontanilla”) is respectfully requested.

As noted above, independent claim 1 has been amended to recite that the claimed adhesive includes “a non-removable weak adhesive portion coupled directly to the underside of the flap and a strong adhesive portion adjacent the weak adhesive portion and coupled directly to the underside of the flap.”

As with McClintock, Fontanilla does not disclose or suggest such a structure as that recited in newly amended independent claim 1. For example, Fontanilla discloses a sealable insulation system 10 including a covering 16 having a flap 20 and a pressure sensitive tape 22 coupled to the flap 20. As shown in FIGS. 5-7 of Fontanilla, the tape 22 includes an intermediate release liner 24 which carries a layer of cohesive material 28 which has low-adhesion properties and is affixed to the opposite side of the intermediate release liner is a first layer of tacky, pressure sensitive adhesive 30. A second layer of tacky, pressure sensitive adhesive 34 is affixed to a bond-enhancement film between the cohesive layer 28 and the second adhesive 34. See col. 3, lines 36-63 of Fontanilla.

Due to this sandwich-like construction of the adhesive layers 28, 30 and/or 34 of Fontanilla, Fontanilla does not disclose or suggest both “a weak adhesive portion coupled directly to the underside of the flap” and “a strong adhesive portion adjacent the weak adhesive portion and coupled directly to the underside of the flap” as recited in newly amended independent claim 1. In other words, both types of adhesives 28, 30/34 disclosed in Fontanilla are not coupled directly to the underside of the flap 20 disclosed in Fontanilla. As such,

Fontanilla only discloses a stacked or sandwich-like arrangement of the adhesive layers 28, 30/34 and does not disclose any side-by-side arrangement of the weak and strong adhesive layers.

Further, the cohesive layer 28 of Fontanilla is a removable layer. For example, it is stated at col. 4, lines 51-54 of Fontanilla that “[w]hen it is desired to permanently bond the overlap thereby sealing the insulation jacket 10, the intermediate release liner 24 is removed carrying with it the cohesive layer 28.” In fact, the cohesive layer 28 of Fontanilla must be removed in order to secure the bonding adhesive 30 to the bond enhancement film 32 to “permanently seal the insulation as shown in FIG. 7.” See col. 4, lines 55-56 of Fontanilla. As noted above, the weak adhesive portion recited in newly claim amended claim 1 is “non-removable.”

Accordingly, newly amended claim 1 is not anticipated by Fontanilla because Fontanilla fails to disclose the aforementioned required elements of claim 1. As such, reconsideration of the rejection of claim 1 as well as claims 4 and 5, depending directly from claim 1, is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Reconsideration of the rejection of claim 12 under 35. U.S.C. § 103(a) as being unpatentable over Fontanilla in view of U.S. Patent No. 4,157,410 to McClintock (hereinafter “the ‘410 patent”) is respectfully requested.

As noted above, independent claim 1 has been amended to recite that the claimed adhesive includes “a non-removable weak adhesive portion coupled directly to the underside of the flap and a strong adhesive portion adjacent the weak adhesive portion and coupled directly to the underside of the flap.” Claim 12 is dependent upon claim 1 and therefore includes all of the limitations of claim 1. As such, Applicant asserts that Fontanilla does not disclose or suggest the claimed structure recited in newly amended claim 1 as discussed in section B above. Further, the

'410 patent does not make up for any of the aforementioned deficiencies of Fontanilla such that the combination of Fontanilla and the '410 patent does not arrive at the invention recited in newly amended claim 1, upon which claim 12 depends.

Accordingly, reconsideration of this rejection as it applies to claim 12 is respectfully requested.

Applicant believes that the present application is now in condition for allowance and such action is respectfully requested.

FURTHER ACTION:

If there are any questions or comments that would speed prosecution of this application, the Examiner is invited to call the undersigned at (317) 231-7216.

Applicant notes that the two-month extended deadline (i.e., August 13, 2006) for responding to the 3/13/06 Office Action fell on a Sunday. As such, the Amendment and Reply being filed herein on Monday, August 14, 2006 is considered timely.

Further, it is respectfully requested that this paper be considered as a Two-Month Petition for an Extension of Time sufficient to effect a timely response and that the \$450.00 patent extension fee be charged to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 20121-72990.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Carli E. Stewart", with a long horizontal flourish extending to the right.

Carli E. Stewart
Attorney Reg. No. 51058

Indianapolis, IN
(317) 231-7216
INDS02 CYS 828541v1